

DO NOT WRITE IN THIS SPACE	
Case:	Date Filed:

22-CA-061632 July 25, 2011

## INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BEING BROUGHT	
a. Name of Employer: The Ambriola, Co.	b. Tel. No. 973-228-2648
	c. Cell No.
	f. Fax No.
d. Address (Street, city, state, and ZIP code) 7 Patton Drive, West Caldwell, NJ, 07006	e. Employer Representative (b) (6), (b) (7)(C)
	g. e-Mail
	h. Number of workers employed 20+
i. Type of Establishment (factory, mine, wholesaler, etc): Importer	j. Identify principal product or service Cheese
k. The above named employer has engaged in and is engaging in unfair labor practices within the meaning of section 7, section 8(a), subsections (1), and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within meaning of the Act and the Postal Reorganization Act.	
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices) I, (b) (6), (b) (7)(C) hereby bring this Charge against my former employer, The Ambriola Co. (hereinafter referred to as "Respondent").  I was contracted to work for Respondent through Express Personnel Agency in or around (b) (6), (b) (7)(C) 2009. I was later directly hired by Respondent in or around (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C).  In or around mid-March 2011 I received a raise. I later commented to my coworker that I had received a raise. On or around (b) (6), (b) (7)(C) 2011 I was told by (b) (6), (b) (7)(C) that I was being terminated because I had discussed my raise in the workplace.  I therefore allege that I was terminated because I engaged in a protected concerted activity by discussing my wages with my coworkers.	
3. Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)	
4a. Address (Street and number, city, state and ZIP code) (b) (6), (b) (7)(C)	4b. Cell No. (b) (6), (b) (7)(C)
	4d. Fax No.
	4c. E-Mail (b) (6), (b) (7)(C)
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when Charge is filed by a labor organization)	
6. DECLARATION	
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.	
By (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (Print/type name and title or office if any)	Tel No (b) (6), (b) (7)(C)
Address: (b) (6), (b) (7)(C)	Office, if any Cell.
Date	Fax No.
	e-Mail (b) (6), (b) (7)(C)

WILLFULL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solidification of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151, et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the LR is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 22  
20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3115

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (973)645-2100  
Fax: (973)645-3852

July 26, 2011

(b) (6), (b) (7)(C)

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear (b) (6), (b) (7)(C):

The charge that you filed in this case on July 26, 2011<sup>207</sup>: July 26, 2011 has been docketed as case number 22-CA-061632. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge will be investigated by BERT DICE-GOLDBERG whose telephone number is (973) 645-3536. If the Board agent is not available, you may contact RICHARD FOX whose telephone number is (973) 645-2259.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our Website, [www.nlrb.gov](http://www.nlrb.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our Website: [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our Website, [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

J. MICHAEL LIGHTNER  
Regional Director



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 22  
20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3115

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (973)645-2100  
Fax: (973)645-3852

July 26, 2011

THE AMBRIOLA, CO.  
7 PATTON DR  
WEST CALDWELL, NJ 07006-6404

Re: The Ambriola, Co.  
Case 22-CA-061632

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by BERT DICE-GOLDBERG whose telephone number is (973) 645-3536. If BERT DICE-GOLDBERG is not available, you may contact RICHARD FOX whose telephone number is (973) 645-2259.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlrb.gov](http://www.nlrb.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

J. MICHAEL LIGHTNER  
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



(9-07)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
FIRST AMENDED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
22-CA-061632

Date Filed  
10/4/2011

**INSTRUCTIONS:**

File an original together with four copies and a copy for each additional charged party named in Item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer The Ambriola Co.		b. Number of workers employed 20+
c. Address (street, city, state, ZIP code) 7 Patton Drive West Caldwell, N.J., 07006	d. Employer Representative (b) (6), (b) (7)(C)	e. Telephone No. 973-228-2648 Fax No.
f. Type of Establishment (factory, mine, wholesaler, etc.) Importer	g. Identify principal product or service Cheese	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) 8(a)(1) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.		

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

I, (b) (6), (b) (7)(C) hereby bring this Charge against my former employer, The Ambriola Co. (hereinafter referred to as "Respondent").

I was contracted to work for Respondent through Express PERSONNEL Agency in or around (b) (6), (b) (7)(C) 2009. I was later directly hired by Respondent in or around (b) (6), (b) (7)(C) as (b) (6), (b) (7)(C). In or around mid-March 2011 I receive a raise. I later commented to my coworker that I had received a raise. On or around (b) (6), (b) (7)(C) 2011 I was told by (b) (6), (b) (7)(C) who I know as (b) (6), (b) (7)(C) (last name unknown) that I was being terminated because I had discussed my raise in the workplace.

I therefore allege that I was terminated because I engaged in concerted protected activity by discussing my wages with my coworkers.

On or about March, 2011, the Employer promulgated a rule prohibiting discussions among employees about their salaries by announcing that if anyone was found to have discussed their raise with their coworkers they would be terminated

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

**4a. Address (street and number, city, state, and ZIP code)**

(b) (6), (b) (7)(C)

**4b. Telephone No.**

(b) (6), (b) (7)(C)

Fax No.

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

(b) (6), (b) (7)(C) I read the above charge and that the statements are true to the best of my knowledge and belief.

By (b) (6), (b) (7)(C) (Printtype name and title) (b) (6), (b) (7)(C) (office, if any)

(b) (6), (b) (7)(C) (person making charge)

(b) (6), (b) (7)(C) (fax) (b) (6), (b) (7)(C)

Address (b) (6), (b) (7)(C)

10-4-11 (date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

**PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigations. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary, however, failure to supply the information will cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 22  
20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3127

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (973)645-2100  
Fax: (973)645-3852

October 5, 2011

THE AMBRIOLA, CO.  
7 PATTON DR  
WEST CALDWELL, NJ 07006-6404

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear Sir or Madam:

Enclosed is a copy of the first amended charge that has been filed in this case.

**Investigator:** This charge is being investigated by BERT DICE-GOLDBERG whose telephone number is (973) 645-3536. If the agent is not available, you may contact RICHARD FOX whose telephone number is (973) 645-2259.

**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

J. MICHAEL LIGHTNER  
Regional Director

Enclosure: Copy of first amended charge



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
REGION 22  
20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3127

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Telephone: (973)645-2100  
Fax: (973)645-3852

October 5, 2011

(b) (6), (b) (7)(C)

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear (b) (6), (b) (7)(C):

We have docketed the first amended charge that you filed in this case.

**Investigator:** This charge is being investigated by BERT DICE-GOLDBERG whose telephone number is (973) 645-3536. If the agent is not available, you may contact RICHARD FOX whose telephone number is (973)645-2259.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the first amended charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

J. MICHAEL LIGHTNER  
Regional Director



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

THE AMBRIOLA COMPANY

and

Case 22-CA-061632

**(b) (6), (b) (7)(C)**

An Individual

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**COMPLAINT AND NOTICE OF HEARING**

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**(b) (6), (b) (7)(C)**, herein called Charging Party, has charged that The Ambriola Company, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. § 151 et seq., herein called the Act. Based thereon the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in this proceeding was filed by the Charging Party on July 25, 2011 and a copy was served on Respondent on July 26, 2011.

(b) The first amended charge in this proceeding was filed on October 4, 2011 and a copy was served on Respondent on October 5, 2011.

2. At all material times, Respondent, a corporation, with an office and place of business located in West Caldwell, New Jersey, herein called Respondent's West Caldwell facility, has been engaged in the processing and distribution of imported cheese products.

3. During the preceding twelve months, Respondent, in conducting its operations described above in paragraph 3 purchased and received at its West Caldwell facility goods and supplies valued in excess of \$50,000 directly from points outside the state of New Jersey.

4. At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

5. At all material times (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) and has been a supervisor of Respondent within the meaning of Section 2(11) of the Act and an agent of Respondent within the meaning of Section 2(13) of the Act.

6. About March 2011, Respondent, by (b) (6), (b) (7)(C), at a meeting with Respondent's employees, orally promulgated and has since maintained a rule prohibiting its employees from discussing among themselves the amount of their individual wage increases under penalty of discharge.

7. About (b) (6), (b) (7)(C) 2011 Respondent, by (b) (6), (b) (7)(C), discharged its employee (b) (6), (b) (7)(C).

8. Respondent engaged in the conduct described above in paragraph 7 because the named employee violated the rule described above in paragraph 6, and to discourage employees from engaging in these or other concerted activities.

9. By the conduct described above in paragraphs 6, 7 and 8, Respondent has been interfering with, restraining and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

10. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 11<sup>th</sup> day of January 2012 at 9:30 a.m. at 20 Washington Place, Newark, New Jersey and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before November 14, 2011 or postmarked on or before November 13, 2011.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of the answer with this office.

An answer may also be filed electronically through the Agency's website. *To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.* The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by

facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

Dated at Newark, New Jersey, this 31<sup>st</sup> day of October, 2011.

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J. Michael Lightner  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102

Attachments



**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**THE AMBRIOLA COMPANY**

and

**Case 22-CA-061632**

**(b) (6), (b) (7)(C)** AN INDIVIDUAL

**ORDER RESCHEDULING HEARING**

**IT IS HEREBY ORDERED** that the hearing in the above-entitled matter  
be, and the same hereby is rescheduled from the 11<sup>th</sup> day of January, 2012 to the 25<sup>th</sup> day of  
January, 2012 at 9:30 a.m., 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102

Dated: December 29, 2011

---

MARIA E. BALZANO  
ACTING REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 22  
20 WASHINGTON PL  
5<sup>TH</sup> FLOOR  
NEWARK, NJ 07102-3127

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**THE AMBRIOLA COMPANY**

and

**Case 22-CA-061632**

**(b) (6), (b) (7)(C)** AN INDIVIDUAL

**ORDER DISMISSING COMPLAINT AND NOTICE OF HEARING**

**IT IS HEREBY ORDERED** that the hearing in the above-entitled matter  
be, and the same hereby is rescheduled from the 11<sup>th</sup> day of January, 2012 to the 25<sup>th</sup> day of  
January, 2012 at 9:30 a.m., 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102

Dated: December 29, 2011

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J. MICHAEL LIGHTNER  
REGIONAL DIRECTOR  
NATIONAL LABOR RELATIONS BOARD  
REGION 22  
20 WASHINGTON PL  
5<sup>TH</sup> FLOOR  
NEWARK, NJ 07102-3127

UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD  
SETTLEMENT AGREEMENT

**IN THE MATTER OF**

**The Ambriola, Co.**

**Case 22-CA-061632**

Subject to the approval of the Regional Director for the National Labor Relations Board, the Charged Party and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

**POSTING OF NOTICES** — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to the Charged Party in English and in additional languages if the Regional Director decides that it is appropriate to do so. A responsible official of the Charged Party will then sign and date those Notices and immediately post them in prominent places around its facility, including all places where the Charged Party normally posts notices to employees. The Charged Party will keep all Notices posted for 60 consecutive days after the initial posting.

**COMPLIANCE WITH NOTICE** — The Charged Party will comply with all the terms and provisions of said Notice.

**BACKPAY** — Within 14 days from approval of this agreement, the Charged Party will make whole the employee(s) named below by payment to each of them of the amount opposite each name. The Charged Party will make appropriate withholdings for each named employee.

(b) (6), (b) (7)(C)	\$25013.20
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**SCOPE OF THE AGREEMENT** — This Agreement settles only the allegations in the above-captioned case(s), and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to that evidence. By approving this Agreement the Regional Director withdraws any Complaint(s) and Notice(s) of Hearing previously issued in the above case(s), and the Charged Party withdraws any answer(s) filed in response.

**PARTIES TO THE AGREEMENT** — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Party and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

**AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTY** — Counsel for the Charged Party authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Party. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.

Yes _____	No /s/ _____
Initials	Initials

**PERFORMANCE** — Performance by the Charged Party with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Party of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Party agrees that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Party, and after 14 days notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Party, the Regional Director will reissue the complaint previously issued on [date] in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Party understands and agrees that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Party defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Party on all issues raised by the pleadings. The Board may then issue an order providing a full remedy for the violations found as is appropriate to remedy such violations. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon Charged Party/Respondent at the last address provided to the General Counsel.

**NOTIFICATION OF COMPLIANCE** — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Party has taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Party complies with the terms and conditions of this Settlement Agreement and Notice.

<b>Charged Party</b> <b>THE AMBRIOLA, CO.</b>		<b>Charging Party</b> <b>(b) (6), (b) (7)(C)</b>	
By: Name and Title	Date	By: Name and Title	Date
/s/ (b) (6), (b) (7)(C)	1/11/12	/s/ (b) (6), (b) (7)(C)	1/11/12
Recommended By:	Date	Approved By:	Date
/s/ Bert Dice-Goldberg Bert Dice-Goldberg, Board Attorney	1/11/12	/s/ J. Michael Lightner Regional Director, Region 22	1/13/12

(To be printed and posted on official Board notice form)

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**YOU HAVE THE RIGHT** to discuss wages and wage increases with other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

**WE WILL NOT** fire employees because they exercise their right to discuss wages and wages increases with other employees.

**WE WILL** pay (b) (6), (b) (7)(C) for the wages and other benefits (b) (6) lost because we fired (b) (6), (b) (7)(C).

(b) (6), (b) (7)(C) had the right to be reinstated to (b) (6), (b) (7)(C) position of employment along with (b) (6), (b) (7)(C) seniority and all other rights or privileges and waived that right.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**THE AMBRIOLA, CO.**

(Employer)

**Dated:** \_\_\_\_\_  
(Representative)

**By:** \_\_\_\_\_  
(Title)

*The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's*



*Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov).*

20 WASHINGTON PL  
FL 5  
NEWARK, NJ 07102-3127

**Telephone:** (973) 645-2100  
**Hours of Operation:** 8:30 a.m. to 5 p.m.



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, NJ 07102-3115  
Telephone: 973-645-2100

April 24, 2012

MICHAEL A. SHADIACK, ESQ.  
CONNELL FOLEY LLP  
85 LIVINGSTON AVENUE  
ROSELAND, NJ 07068-3702

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear Mr. Shadiack:

After a review of all aspects of compliance in the above-captioned case, it has been determined that the Employer has met its obligations with regard to all terms and provisions of the Settlement Agreement in this matter.

Accordingly, this matter is hereby closed and will remain closed, conditioned upon continued compliance. In the event that subsequent violations of the National Labor Relations Act occur, this matter may be reopened.


Very truly yours,

*J. Michael Lightner*

J. Michael Lightner  
Regional Director

cc: JUSTIN L. SWIDLER  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003

(b) (6), (b) (7)(C)

A large black rectangular redaction box covers the bottom portion of the document, obscuring any text that might have been present.

.

---

**From:** (b) (6), (b) (7)(C)@swartz-legal.com>  
**Sent:** Friday, September 30, 2011 10:10 AM  
**To:** Sposito, Eric  
**Subject:** (b) (6), (b) (7)(C)  
**Attachments:** Pay Stubs.pdf

Eric,

Attached are (b) (6), (b) (7)(C) pay stubs. Let me know if and when you get in contact with (b) (6), (b) (7)(C)

--

Thank you for your time and attention to this matter. If you have any questions or concerns, please do not hesitate to call me.

Very Truly Yours,

(b) (6), (b) (7)(C)

1878 Marlton Pike East  
Society Hill Office Park, Suite 10  
Cherry Hill, NJ, 08003  
Tel: (856)-685-7420 ext. (b) (6), (b) (7)(C)  
Direct Dial: (b) (6), (b) (7)(C)  
Fax: (856)-685-7417

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PAGE 02/09

CO. FILE DEPT. CLOCK NUMBER 020  
4KB (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) 1

## Earnings Statement



THE AMBRIOLA CO., INC.

Period Ending: 04/02/2010  
Pay Date: 04/02/2010

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
Overtime	15.0000	16.00	240.00	
<b>Gross Pay</b>			<b>\$640.00</b>	<b>3,585.00</b>

Deductions	Statutory		
Federal Income Tax	-74.34	411.83	
Social Security Tax	-39.68	222.27	
Medicare Tax	-9.28	51.98	
NJ State Income Tax	-10.88	61.33	
NJ SUI/SDI Tax	-6.59	37.47	
<b>Net Pay</b>		<b>\$499.13</b>	

Your federal taxable wages this period are \$640.00

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PAGE 03/09

CO. FILE DEPT. CLOCK NUMBER 020  
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THE AMBRIOLA CO., INC.

## Earnings Statement



Period Ending: 02/18/2011  
Pay Date: 02/18/2011

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ:

(b) (6), (b) (7)(C)

Social Security Number (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
<b>Gross Pay</b>			<b>\$400.00</b>	<b>2,715.00</b>

Deductions	Statutory		
Federal Income Tax	-45.77		307.64
Social Security Tax	-16.80		114.03
Medicare Tax	-5.80		39.37
NJ State Income Tax	-6.08		41.18
NJ SU/SDI Tax	-3.94		26.75
<b>Net Pay</b>		<b>\$321.61</b>	

Your federal taxable wages this period are \$400.00



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PAGE 04/09

CO. FILE DEPT. CLOCK NUMBER 020  
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## Earnings Statement



THE AMBRIOLA CO., INC.

Period Ending: 12/24/2010  
Pay Date: 12/23/2010

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ: (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
Gross Pay			400.00	28,639.16

Deductions	Statutory		
Federal Income Tax	-38.34	4,213.51	
Social Security Tax	-24.80	1,775.63	
Medicare Tax	-5.60	415.27	
NJ State Income Tax	-6.08	489.87	
NJ SUI/SDI Tax	-4.18	299.29	
Net Pay		3320.80	

Your federal taxable wages this period are \$400.00

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PAGE 05/09

CO. FILE DEPT. CLOCK NUMBER 020  
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THE AMBRIOLA CO., INC.

## Earnings Statement



Period Ending: 01/14/2011  
Pay Date: 01/14/2011

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ:

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
Gross Pay			400.00	720.00

Deductions	Statutory		
Federal Income Tax	-45.77		79.54
Social Security Tax	-16.80		30.24
Medicare Tax	-5.80		10.44
NJ State Income Tax	-6.08		10.88
NJ SU/SDI Tax	-3.94		7.09
Net Pay		321.61	

Your federal taxable wages this period are \$400.00

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PAGE 06/09

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THE AMBRIOLA CO., INC.

## Earnings Statement



Period Ending: 01/21/2011  
Pay Date: 01/21/2011

Taxable Marital Status:  
Exemptions/Allowances:  
Federal:  
NJ:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
<b>Gross Pay</b>			<b>\$400.00</b>	<b>1,120.00</b>

Deductions	Statutory		
Federal Income Tax	-45.77		125.31
Social Security Tax	-16.80		47.04
Medicare Tax	-5.80		15.24
NJ State Income Tax	-6.08		15.96
NJ SUI/SDI Tax	-3.94		11.03
<b>Net Pay</b>		<b>\$321.03</b>	

Your federal taxable wages this period are \$400.00

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PAGE 07/09

CO. FILE DEPT. CLOCK NUMBER 020  
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## Earnings Statement



THE AMBRIOLA CO., INC.

Period Ending: 02/11/2011  
Pay Date: 02/11/2011

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ:

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	40.00	400.00	
Gross Pay			\$400.00	2,315.00

Deductions	Statutory		
Federal Income Tax	-45.77		261.87
Social Security Tax	-16.80		97.23
Medicare Tax	-5.80		33.57
NJ State Income Tax	-6.08		35.10
NJ SUI/SDI Tax	-3.94		22.81
Net Pay		\$321.61	

Your federal taxable wages this period are \$400.00

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PAGE 08/09

CO. FILE DEPT. CLOCK NUMBER 020  
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THE AMBRIOLA CO., INC.

## Earnings Statement



Period Ending: 03/11/2011  
Pay Date: 03/11/2011

Taxable Marital Status: (b) (6), (b) (7)(C)

Exemptions/Allowances: (b) (6), (b) (7)(C)

Federal:

NJ:

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	10.0000	39.75	397.50	
Gross Pay			397.50	3,877.50

Deductions	Statutory	
Federal Income Tax	-45.40	439.33
Social Security Tax	-16.70	162.86
Medicare Tax	-5.76	56.22
NJ State Income Tax	-6.03	58.77
NJ SUI/SDI Tax	-3.92	38.20
Net Pay		319.29

Your federal taxable wages this period are \$397.50



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PAGE 09/09

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THE AMBRIOLA CO., INC.

## Earnings Statement



Period Ending: 03/25/2011  
Pay Date: 03/25/2011

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances:  
Federal: (b) (6), (b) (7)(C)  
NJ:

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular	13.0000	39.75	516.75	
Gross Pay			516.75	5,024.50

Deductions	Statutory		
Federal Income Tax	-53.29		582.93
Social Security Tax	-21.70		211.03
Medicare Tax	-7.50		72.86
NJ State Income Tax	-8.41		77.86
NJ SUI/SDI Tax	-5.08		49.48
Net Pay		410.77	

Your federal taxable wages this period are \$516.75

(b) (6), (b) (7)(C)

Job Search Online

K-Mart

Wal-Mart

Home Depot

Lowe's

Jobs2careers

Get the job

Dream Jobber

Job Search in Person

Meoshe's

Bed Bath & Beyond

Brooks Cabinetry

FORM NLRB-4701  
(9-03)

## NATIONAL LABOR RELATIONS BOARD

## NOTICE OF APPEARANCE

(b) (6), (b) (7)(C)

and  
The Ambriola Company

CASE 22-CA-061632

☒ REGIONAL DIRECTOR☐ EXECUTIVE SECRETARY  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570☐ GENERAL COUNSEL  
NATIONAL LABOR RELATIONS BOARD  
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF \_\_\_\_\_

The Ambriola Company

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

## (REPRESENTATIVE INFORMATION)

NAME: Michael A. Shadiack, Esq. Connell Foley LLP

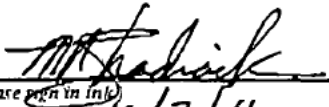
MAILING ADDRESS: 85 Livingston Avenue, Roseland, New Jersey 07068

E-MAIL ADDRESS: mshadiack@connellfoley.com

OFFICE TELEPHONE NUMBER: 973-535-0500 ext. 2347

CELL PHONE NUMBER: 862-485-8737

FAX: 973-535-9217

SIGNATURE: 

DATE: 10/17/11

<sup>1</sup> IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE

# CONNELL FOLEY LLP

## ATTORNEYS AT LAW

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85 LIVINGSTON AVENUE  
ROSELAND, N.J. 07068-3702  
(973) 535-0500  
FAX: (973) 535-9217

HARBORSIDE FINANCIAL CENTER  
2510 PLAZA FIVE  
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888 SEVENTH AVENUE  
NEW YORK, N.Y. 10106  
(212) 262-2390  
FAX: (212) 262-0050

PHILADELPHIA OFFICE  
1500 MARKET ST.  
PHILADELPHIA, PA 19102  
(215) 246-3403  
FAX: (215) 665-5727

### COUNSEL

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STEVE BARNETT\*  
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KARIN I. SPALDING\*

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JOHN A. PINDAR (1969)  
GEORGE W. CONNELL (2005)  
ADLAN M. FOLEY, JR.  
GEORGE J. KENNY\*  
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M. TREVOR LYONS\*  
MICHAEL A. SHADIACK  
OWEN C. MCCARTHY\*  
PATRICIA A. LEE\*\*  
AGNESZKA ANTONIAN\*  
CHRISTOPHER J. TUCCI\*  
NEIL V. MODY\*

\*ALSO ADMITTED IN NEW YORK

\*\*ALSO ADMITTED IN PENNSYLVANIA

ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO ROSELAND, NJ

Writer's Email Address: mshadack@connellfoley.com

October 7, 2011

### VIA FAX 973-645-3852 AND REGULAR MAIL

J. Michael Lightner, Esq.  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Fl  
Newark, New Jersey 07102-3115

Re: **(b) (6), (b) (7)(C)** - and - The Ambriola Company  
Case 22-CA-061632

Dear Mr. Lightner:

This firm is counsel to the Ambriola Company. Yesterday, October 6, 2011 we were provided with a copy of the Charge Against Employer, Case 22-CA-061632, dated July 25, 2011 along with an undated cover letter setting forth our client's rights and responsibilities relative to that Charge. We are hereby entering our appearance on behalf of the Ambriola Company, and submit the enclosed Notice of Appearance.

As we just learned of the pending Charge we need an opportunity to confer with our client to learn the facts and circumstances upon which the Charge is based. We are respectfully requesting an extension of time to be able to confer with our client, and to submit a statement of position in response to the Charge in order to submit evidence to establish that the NLRA has not been violated.

J. Michael Lightner, Esq.  
October 7, 2011  
Page 2

We will also explore with our client whether this matter may be amicably resolved in an efficient manner. To that extent, I will contact Eric Esposito, Esq. who I understand is the attorney assigned to this matter.

I am starting a trial in another matter next Tuesday, October 11, 2011 which is scheduled through October 25, 2011. Accordingly, the greatest extension of time to respond to the Charge that can be provided will be greatly appreciated.

Thank you for your attention to this matter and all courtesies extended.

Very truly yours,

CONNELL FOLEY LLP



MICHAEL A. SHADIACK

MAS/ [REDACTED]  
Encl.

cc: Eric Esposito, Esq.  
Bert Dice-Goldberg, Esq.

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

**THE AMBRIOLA, CO.**

Charged Party

and

**(b) (6), (b) (7)(C)**

Charging Party

**Case 22-CA-061632**

**AFFIDAVIT OF SERVICE OF COMPLAINT AND NOTICE OF HEARING**

I, the undersigned employee of the National Labor Relations Board, state under oath that on October 31, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**CERTIFIED MAIL**

JUSTIN L. SWIDLER, ESQ.  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003

MICHAEL SHADIACK, ESQ.  
CONNELL, FOLEY LLP  
85 LIVINGSTON AVENUE  
ROSELAND, NJ 07068

**REGULAR MAIL**

THE AMBRIOLA, CO.  
7 PATTON DR  
WEST CALDWELL, NJ 07006-6404

**(b) (6), (b) (7)(C)**

October 31, 2011

Date

**Enter NAME**, Designated Agent of NLRB

Name

Signature

**CONNELL FOLEY LLP**  
**ATTORNEYS AT LAW**

**85 LIVINGSTON AVENUE**  
**ROSELAND, N.J. 07068-3702**  
**(973) 535-0500**  
**FAX: (973) 535-9217**

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**FAX: (212) 262-0050**

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**CENTRE**  
**SUITE 201**  
**MARLTON, NJ 08053**  
**(856) 988-5487**  
**FAX: (856) 596-8359**

**COUNSEL**

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**CHRISTOPHER J. TUCCI+**  
**NEIL V. MODY\***

\*ALSO ADMITTED IN NEW YORK

+ALSO ADMITTED IN PENNSYLVANIA

-ONLY ADMITTED IN NEW YORK

PLEASE REPLY TO ROSELAND, NJ

Writer's Email Address mshadiack@connellfoley.com

November 11, 2011

**VIA FEDERAL EXPRESS**

J. Michael Lightner, Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102

Re: **(b) (6), (b) (7)(C)** - and - **The Ambriola Company**  
**Case 22-CA-061632**


Dear Regional Director Lightner:

This firm represents the Respondent, The Ambriola Company, in connection with the above-referenced matter. Enclosed herewith for filing is an original and four (4) copies of an Answer to Complaint and Notice of Hearing. Also enclosed is a Certification of Service. By way of overnight mail we have served a copy of the Answer upon the Charging Party as well as **(b) (6)** counsel of record.

We will remain in contact with Mr. Eric Sposito of your office with regard to this matter. Thank you for your attention to this correspondence.

Respectfully yours,

**CONNELL FOLEY LLP**

  
**MICHAEL A. SHADIACK**

Encls.

J. Michael Lightner, Regional Director

November 11, 2011

Page 2

cc: Justin L. Swidler, Esq. (w/encls. via overnight mail)  
(b) (6), (b) (7)(C) Charging Party (w/encls. via overnight mail)  
Eric Sposito, NLRB Agent (w/encls. via regular mail)



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22

Connell Foley LLP  
85 Livingston Avenue  
Roseland, New Jersey 07068  
(973) 535-0500  
Attorneys for Respondent,  
The Ambriola Company

THE AMBRIOLA COMPANY,

Respondent,

-and-

(b) (6), (b) (7)(C) an  
individual,

Charging Party.

Case 22-CA-061632

ANSWER TO COMPLAINT  
AND NOTICE OF HEARING

Respondent The Ambriola Company ("Ambriola"), by their undersigned attorneys, within the time set forth by the National Labor Relations Board ("NLRB") Rules and Regulations, submits this Answer to the Complaint and Notice of Hearing ("Complaint") filed by the Acting General Counsel of the NLRB, as follows:

GENERAL DENIAL

Except as otherwise expressly stated herein, Ambriola denies each and every allegation contained in the Complaint, and Ambriola specifically denies that it violated the National Labor Relations Act ("NLRA") in the manner alleged in the Complaint or in any other manner. Pursuant to Section 102.20 of the NLRB's Rules and Regulations, averments in the Complaint to which no responsive pleading is required shall be deemed as denied.

Ambriola reserves the right to raise any additional defenses not asserted herein of which it may become aware through investigation, as may be appropriate at a later time.

#### DEFENSES

Without assuming any burden of proof, persuasion or production none otherwise legally assigned to it as to any element of any claim alleged in the Complaint, Ambriola asserts the following defenses.

1. The Complaint fails to allege facts sufficient to state a claim upon which relief may be granted.
2. Ambriola has not violated Section 8(a)(1) of the NLRA as it has not interfered with, restrained, or coerced employees in the exercise of their rights protected by the NLRA.
3. The Complaint does not identify any remedy sought on behalf of the Charging Party.
4. Any remedy requested on behalf of the Charging Party is improper because Ambriola has not violated Section 8(a)(1) of the NLRA.
5. Ambriola's decision to terminate the employment of the Charging Party was based upon [REDACTED] complete and repeated disregard of company rules, regulations, and procedures as well as those of the United States Food and Drug Administration, including the Hazard Analysis & Critical Control Points as to which Ambriola is

governed, and pursuant to which food safety is addressed through the control of biological, chemical, and physical hazards from raw material production, procurement and handling, manufacturing and distribution of food products. The Charging Party violated said rules, regulations, and procedures on multiple occasions in (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) 2011 by leaving the production room before the end of (b) (6), (b) (7) shift, changing into civilian clothing, and then returning to the production room floor without wearing the appropriate hair net, gloves, face mask, uniform, and other protective equipment required when all individuals enter the production room. The Charging Party was informed of said rules, regulations, and procedures during several training sessions, by way of a posting in the workplace, per verbal instructions by management on at least four occasions, and by observing all other production room workers. Ambriola strictly enforces any violation of the food safety rules, regulations, and procedures. Ambriola requires the production room supervisor to complete a form four times per shift, which identifies each production room worker by name and confirms whether each worker is wearing the required hairnet, gloves, face mask, and uniform. While having notice and knowledge of said

rules, regulations, and procedures the Charging Party intentionally defied same, which resulted in disciplinary action and (b) (6), (b) (7)(C) ultimate termination on or about (b) (6), (b) (7)(C) 2011. Due to the Charging Party's willful misconduct, Ambriola would have made the same decision to terminate the Charging Party's employment regardless of whether (b) (6) engaged in the conduct cited in Paragraph 8 of the Complaint.

6. Ambriola's termination of the Charging Party's employment was based upon legitimate and non-retaliatory reasons unrelated to any alleged concerted and protected activity.
7. Any employment or other rights the Charging Party may have had were terminated based upon (b) (6), (b) (7)(C) acts of workplace misconduct requiring the termination of (b) (6), (b) (7)(C) employment.
8. The Complaint asserts a claim and allegations that are time-barred by the six-month statute of limitations under Section 10(b) of the NLRA, 29 U.S.C. §160(b).
9. Without admitting (b) (6) is due any amounts, the Charging Party has either failed to properly mitigate any back pay damages (b) (6) has allegedly suffered; or Ambriola is entitled to an offset from earned wages.

RESPONSE TO SPECIFIC ALLEGATIONS OF THE COMPLAINT

AND NOW, incorporating the foregoing, Ambriola states as follows in response to the specific allegations of the Complaint:

1(a). Ambriola states that the charge in Case No. 22-CA-061632 is dated as filed July 25, 2011, and was served, but except as so stated it denies the allegations set forth in Paragraph 1(a).

1(b). Ambriola states that an amended charge in Case No. 22-CA-061632 is dated as filed October 4, 2011 and was served, but except as so stated it denies the allegations set forth in Paragraph 1(b).

2. Ambriola admits the allegations set forth in Paragraph 2.

3. Ambriola admits the allegations set forth in Paragraph 3.

4. Ambriola admits the allegations set forth in Paragraph 4.

5. This Paragraph states a legal conclusion for which no answer is required, but to the extent a response is required, this Paragraph incorrectly identifies (b) (6), (b) (7)(C) as a (b) (6), (b) (7)(C) of Ambriola. The individual's correct surname is (b) (6), (b) (7)(C)

6. Ambriola admits that in or about (b) (6), (b) (7)(C) 2011, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) conducted a meeting with certain employees and advised

them that they were not allowed to discuss amongst themselves how much their individual raises were going to be, because they were granted by merit, and that if any employee was found to have discussed their raise it would be grounds for termination. Ambriola denies the remaining allegations of Paragraph 6.

7. Ambriola admits the allegations set forth in Paragraph 7.

8. Ambriola denies the allegations set forth in Paragraph 8.

9. Ambriola denies the allegations set forth in Paragraph 9.

10. The allegations contained in Paragraph 10 state legal conclusions for which no response is required, but to the extent a response is required, Ambriola denies the allegations in Paragraph 10.

WHEREFORE, Ambriola denies that the Charging Party is entitled to any relief per the Complaint and Notice of Hearing, dated October 31, 2011.

Respectfully submitted,

**CONNELL FOLEY LLP**  
Attorneys for Respondent,  
The Ambriola Company

By:   
MICHAEL A. SHADIACK

Dated: November 11, 2011

THE AMBRIOLA COMPANY,

Respondent,

-and-

(b) (6), (b) (7)(C) an  
individual,

Charging Party.

Case 22-CA-061632

CERTIFICATION OF SERVICE

I, Michael A. Shadiack, certify that an original and four copies of Respondent's Answer to Complaint and Notice of Hearing was served on this date via overnight mail to:

J. Michael Lightner  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place  
5<sup>th</sup> Floor  
Newark, New Jersey 07102.

A copy of Respondent's Answer to Complaint and Notice of Hearing was served on this date via overnight mail to:

Justin L. Swidler, Esq.  
Swartz and Swidler, LLC  
1878 Marlton Pike East  
Cherry Hill, New Jersey 08003; and

(b) (6), (b) (7)(C) Charging Party  
(b) (6), (b) (7)(C)

CONNELL FOLEY LLP  
Attorneys for Respondent,  
The Ambriola Company

By:   
MICHAEL A. SHADIACK

Dated: November 11, 2011

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**THE AMBRIOLA, CO.**

and

**(b) (6), (b) (7)(C)**

**Case 22-CA-061632**

**AFFIDAVIT OF SERVICE OF ORDER RESCHEDULING HEARING**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 29, 2011, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

JUSTIN L. SWIDLER, ESQ.  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003

THE AMBRIOLA, CO.  
7 PATTON DR  
WEST CALDWELL, NJ 07006-6404

MICHAEL SHADIACK, ESQ.  
CONNELL, FOLEY LLP  
85 LIVINGSTON AVENUE  
ROSELAND, NJ 07068

**(b) (6), (b) (7)(C)**

December 29, 2011

Date

**Enter NAME**, Designated Agent of NLRB

Name

Signature





United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 22

20 Washington Place, 5<sup>th</sup> Floor

Newark, NJ 07102-3115

Telephone: 973-645-2100

February 1, 2012

MICHAEL A. SHADIACK, ESQ.  
CONNELL FOLEY LLP  
85 LIVINGSTON AVENUE  
ROSELAND, NJ 07068-3702

Re: The Ambriola, Co.  
Case 22-CA-061632

(b) (6), (b) (7)(C)

Dear Mr. Shadiack:

On January 13, 2012, the enclosed Settlement Agreement was approved in the above case. Accordingly, you are now requested to begin compliance with the terms of the agreement. I have asked Compliance Officer Collette Sarro to be available to assist you in effecting prompt compliance. At your request, all correspondence and documents are being served exclusively on your firm and I request that you promptly forward these same materials, including Notices to Employees, to your client to effect compliance. If you have any problems or questions relating to the requirements of the agreement, Ms. Sarro can be reached at the above address or by telephone at (973) 645-3784.

To comply, it will be necessary for the Employer to take the following steps:

Post the enclosed Notices no later than one week from the date of this letter. They should be posted in and about the premises in all places where written communications or bulletins are normally posted<sup>1</sup>. Enclosed are five copies of the Notices to be posted and you are to use as many as are applicable. Additional copies will be sent upon request, if needed.

The Notices must be signed and dated by an officer or agent of the Employer prior to posting and they must remain posted for a period of at least 60 days of posting.

Immediately after posting the Notices, please send one signed and dated copy of the Notice to this office for our records. Also, please fill out and return the enclosed Certification of Posting form showing the date and specific location of the Notice posting. At the conclusion of the posting period, please advise me whether the Notices were continuously and conspicuously posted.

<sup>1</sup> Notice to Employees should be posted in Spanish and English at the Employer's 7 Patton Drive, West Caldwell, NJ facility.

 **COMPLIANCE**

An Agent from this office may make a visit to the Employer's premises to examine the Notice posting.

In accordance with the Settlement Agreement, the Employer must take the following affirmative action:

(a) Make whole (b) (6), (b) (7)(C) for losses as a result of (b) (6), (b) (7)(C) discharge. The backpay check should have normal payroll withholdings and the interest check should have **no deductions**. The checks should be received in this office no later than **February 8, 2012**, and sent to this office for distribution. (b) (6), (b) (7)(C) has waived (b) (6), (b) (7)(C) right to reinstatement.

(b) (6), (b) (7)(C)	<u>Backpay</u>	<u>Interest</u>
	\$24,649.94	\$363.26

The Employer and the Charging Party should notify this office within five days from receipt of this letter and again within 60 days, what steps have been taken to comply herewith.

When the Employer has fully complied with the terms of the Settlement Agreement and there are no reported violations of its negative provisions, we shall notify you that this case has been closed on compliance.

Very truly yours,

*J. Michael Lightner*

J. Michael Lightner  
Regional Director

Enclosures

cc: JUSTIN L. SWIDLER  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003

(b) (6), (b) (7)(C)

**CERTIFICATION OF POSTING**

RE: THE AMBRIOLA, CO.  
CASE 22-CA-061632

**1. Physical Posting**

The Notice to \_\_\_\_\_ **Employees** \_\_\_\_\_ in the above captioned matter was posted  
on \_\_\_\_\_ at the following locations. (List specific place(s) of posting)  
(Date)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**2. Electronic Distribution<sup>1</sup>**

The Notice to \_\_\_\_\_ **Employees** \_\_\_\_\_ in the above captioned matter was also  
distributed electronically on \_\_\_\_\_ via website. (Specify means of distribution and  
(Date)  
provide pertinent proof)

\_\_\_\_\_

\_\_\_\_\_

**3. Electronic Distribution**

The Notice to \_\_\_\_\_ **Employees** \_\_\_\_\_ in the above captioned matter was also  
distributed electronically on \_\_\_\_\_ via the following internet/intranet. (Specify means of  
distribution and  
(Date)  
provide pertinent proof)

\_\_\_\_\_

\_\_\_\_\_

**CHARGED PARTY/RESPONDENT**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

This form should be returned to the Regional Office, together with **ONE (1)** copies of the Notice, dated and signed in the same manner as those posted.

<sup>1</sup> See, *J. Picini Flooring*, 356 NLRB No. 9 (2010).



# NOTICE TO EMPLOYEES



**POSTED PURSUANT TO A SETTLEMENT AGREEMENT  
APPROVED BY A REGIONAL DIRECTOR OF THE  
NATIONAL LABOR RELATIONS BOARD  
AN AGENCY OF THE UNITED STATES GOVERNMENT**

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join or assist a union
- Choose representatives to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

**WE WILL NOT** do anything to prevent you from exercising the above rights.

**YOU HAVE THE RIGHT** to discuss wages and wage increases with other employees and **WE WILL NOT** do anything to interfere with your exercise of that right.

**WE WILL NOT** fire employees because they exercise their right to discuss wages and wages increases with other employees.

**WE WILL** pay (b) (6), (b) (7)(C) for the wages and other benefits lost because we fired (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) had the right to be reinstated to (b) (6), (b) (7)(C) position of employment along with (b) (6), (b) (7)(C) seniority and all other rights or privileges and waived that right.

**WE WILL NOT** in any like or related manner interfere with your rights under Section 7 of the Act.

**THE AMBRIOLA, CO.**  
(Employer)

Dated: \_\_\_\_\_ By: \_\_\_\_\_  
(Representative) (Title)

---

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. It conducts secret-ballot elections to determine whether employees want union representation and it investigates and remedies unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below. You may also obtain information from the Board's website: [www.nlr.gov](http://www.nlr.gov) and the toll-free number (866) 667-NLRB (6572).

National Labor Relations Board, The Veterans Administration Building, 20 Washington Place, 5<sup>th</sup> Floor,  
Newark, New Jersey 07102-3110. Telephone No. (973) 645-3784

**THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.**

THIS NOTICE MUST REMAIN POSTED FOR 60 CONSECUTIVE DAYS FROM THE DATE OF POSTING AND MUST NOT BE ALTERED, DEFACED, OR COVERED BY ANY OTHER MATERIAL. ANY QUESTIONS CONCERNING THIS NOTICE OR COMPLIANCE WITH ITS PROVISIONS MAY BE DIRECTED TO THE ABOVE REGIONAL OFFICE'S COMPLIANCE OFFICER.



# AVISO A LOS EMPLEADOS

**FIJADO CONFORME A UN ARREGLO  
APROBADO POR UN DIRECTOR REGIONAL DE LA  
JUNTA NACIONAL DE RELACIONES DEL TRABAJO  
UNA AGENCIA DEL GOBIERNO DE LOS ESTADOS UNIDOS**

## **LAS LEYES FEDERALES LES OTORGA EL DERECHO A:**

- Formar, Unirse o Asistir a la Unión
- Escoger representantes para negociar con nosotros para sus beneficios
- Actuar juntos con otros empleados para sus beneficios y protección
- Escoger no comprometerse en ninguna de todas estas actividades protectivas.

**NOSOTROS NO** haremos nada para prevenirle de ejercer sus derechos anteriormente mencionados.

**USTED TIENE EL DERECHO** de discutir los salarios y los aumentos de salarios con otros empleados y **NOSOTROS NO** haremos nada para interferir con su derecho.

**NOSOTROS NO** despediremos a los empleados porque ejerzan su derecho de discutir sueldos y los aumentos de sueldos con otros empleados.

**NOSOTROS** le pagaremos al (b) (6), (b) (7)(C) su sueldo y otros beneficios que perdió cuando (b) (6), (b) (7)(C) despedimos.

(b) (6), (b) (7)(C) tenía el derecho a ser reintegrado a su puesto de trabajo de su antigüedad y todos los demás derechos y privilegios y (b) (6), (b) (7)(C) renunció a esos derechos.

**NOSOTROS NO** interferiremos de ninguna otra manera con los derechos garantizados por la Sección 7 de la Ley.

**THE AMBRIOLA, CO.**  
(COMPAÑIA)

Día: \_\_\_\_\_ Por: \_\_\_\_\_  
(Representante) (Título)

La Junta Nacional de Relaciones del Trabajo es una agencia Federal independiente establecida en 1935 para hacer cumplir la Ley Nacional de Relaciones del Trabajo. La Junta lleva a cabo elecciones mediante voto secreto para determinar si los empleados quieren estar representados por una unión e investiga y remedia las prácticas ilícitas de trabajo cometidas por los patronos y las uniones. Para obtener más información sobre sus derechos conforme a la Ley y cómo puede radicar un cargo o una petición de elección, puede hablar confidencialmente con cualquier agente en la Oficina Regional de la Junta indicada más adelante. También puede obtener información de la página de Internet de la Junta: [www.nlr.gov](http://www.nlr.gov).

National Labor Relations Board, The Veterans Administration Building, 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102-3110. Telephone No. (973) 645-3784

**ESTE ES UN AVISO OFICIAL Y NO DEBE SER MUTILADO POR NADIE**

Este aviso debe permanecer fijado durante 60 días consecutivos a partir de la fecha en que sea fijado y no debe ser alterado, mutilado, o cubierto por ningún otro material. Cualesquiera preguntas con relación a este aviso o el cumplimiento con las disposiciones del mismo pueden ser dirigidas a la Oficina de la Junta,





United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, NJ 07102-3115

February 10, 2012

Justin L. Swidler, Esq.  
Swartz and Swidler, LLC  
1878 Marlton Pike East  
Cherry Hill, NJ 08003

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear Mr. Swidler:

Enclosed are two checks made payable to (b) (6), (b) (7)(C) which represents the backpay and interest payment due (b) (6), (b) (7)(C) in the above-captioned case. The first check represents backpay and second check interest.

**Backpay Gross Amount: \$24,649.94**

Federal Tax:	6,162.49
Social Security	1,035.30
Medicare:	357.42
NJ State Withholding	2,116.88
NJ SUI/SDI Tax	<u>173.78</u>
<b>Net Backpay:</b>	<b>\$14,804.07</b>

**Interest check:** 363.00

**Grand Total:** **\$15,167.07**

Very truly yours,

Collette Sarro  
Compliance Officer

Enclosure

I, (b) (6), (b) (7)(C), acknowledge receipt of the sum of **\$15,167.07** which represents backpay and interest money due me in the above-captioned case, which total will make me whole for any and all losses as a result of the discrimination against me in this matter. Please return a copy of this receipt signed by (b) (6), (b) (7)(C) in the enclosed self-addressed envelope.

DATE \_\_\_\_\_

\_\_\_\_\_  
(Signature)

**COMPLIANCE** *CS*

# Earnings Statement



THE AMBRIOLA CO., Inc.

Period Ending: 02/07/2012  
Pay Date: 02/08/2012

Taxable Marital Status: (b) (6), (b) (7)(C)  
Exemptions/Allowances  
Federal: (b) (6), (b) (7)(C)  
NJ:

(b) (6), (b) (7)(C)

Social Security Number: (b) (6), (b) (7)(C)

Earnings	rate	hours	this period	year to date
Regular			24,649.94	
<b>Gross Pay</b>			<b>\$24,649.94</b>	24,649.94

Deductions	Statutory		
Federal Income Tax	-6,162.49	6,162.49	
Social Security Tax	-1,035.30	1,035.30	
Medicare Tax	-357.42	357.42	
NJ State Income Tax	-2,116.88	2,116.88	
NJ SUI/SDI Tax	-173.78	173.78	
<b>Net Pay</b>	<b>\$14,804.07</b>		

Your federal taxable wages this period are  
\$24,649.94

VERIFY DOCUMENT AUTHENTICITY: COLORED AREA MUST CHANGE IN TONE GRADUALLY AND EVENLY FROM DARK AT TOP TO LIGHTER AT BOTTOM

THE AMBRIOLA CO., INC.

Payroll check number: 00000 (b) (6), (b) (7)(C) 1-108/210  
Pay date: 02/08/2012

Pay to the order of: (b) (6), (b) (7)(C)

This amount: FOURTEEN THOUSAND EIGHT HUNDRED FOUR AND 07/100 DOLLARS \$14804.07

HSBC  
HSBC BANK USA  
NEW YORK, N.Y.

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

**THE AMBRIOLA CO., INC.**

<b>VENDOR NUMBER</b>	<b>VENDOR NAME</b>				<b>CHECK DATE</b>
(b) (6), (b) (7)(C)					02/07/2012
<b>INVOICE NUMBER</b>	<b>INVOICE DATE</b>	<b>INVOICE AMOUNT</b>	<b>DISCOUNT</b>	<b>AMOUNT PAID</b>	<b>MEMO</b>
02/07/2012	02/07/2012	363.00		363.00	INTEREST
<b>REMITTANCE ADVICE</b>		<b>GROSS TOTAL</b>	<b>DISCOUNT TOTAL</b>		<b>NET TOTAL</b>
		363.00			363.00

Citibank N.A. BR. #92 New York, N.Y. 10016		<b>CITICORP CITIBANK</b>  <b>THE AMBRIOLA CO., INC.</b>	(b) (6), (b) (7)(C)  1-6 92 210
<b>PAY THIS AMOUNT</b>		<b>DATE</b> 02/07/12	<b>AMOUNT</b> 363.00/100*****
<b>THREE HUNDRED SIXTY THREE AND 00/100 DOLLARS*****</b>			
TO THE ORDER OF (b) (6), (b) (7)(C)			
(b) (6), (b) (7)(C)			

ATTENTION TELLER: THIS CHECK IS VALID ONLY IF THE MICR LINE BLEEDS

**(b) (6), (b) (7)(C)**





United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 22

20 Washington Place, 5<sup>th</sup> Floor

Newark, NJ 07102-3115

Telephone: 973-645-2100

February 15, 2012

(b) (6), (b) (7)(C)

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear (b) (6), (b) (7)(C)

For your information, we have learned that the Employer has posted the Notices to Employees on 2/7/12, at the locations listed on the attached certification of posting form.

If you have any problems with the notice posting or any complaints about non-posting, you should immediately report them to the undersigned with an explanation of the problems. If I do not hear from you within seven (7) days, I will assume that this is sufficient.

Very truly yours,

*Collette Sarro*

Collette Sarro  
Compliance Officer

Enclosures

cc: JUSTIN L. SWIDLER  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003

**CERTIFICATION OF POSTING**

RE: THE AMBRIOLA, CO.  
CASE 22-CA-061632

**1. Physical Posting**

The Notice to Employees in the above captioned matter was posted  
on 2-7-2012 at the following locations. (List specific place(s) of posting)  
(Date)

1. Posted in MAIN Foyer entrance to Facility
2. Posted on door leading into production area

**2. Electronic Distribution<sup>1</sup> - N/A**

The Notice to Employees in the above captioned matter was also  
distributed electronically on \_\_\_\_\_ via website. (Specify means of distribution and  
(Date)  
provide pertinent proof)

**3. Electronic Distribution - N/A**

The Notice to Employees in the above captioned matter was also  
distributed electronically on \_\_\_\_\_ via the following internet/intranet. (Specify means of  
distribution and  
(Date)  
provide pertinent proof)

**CHARGED PARTY/RESPONDENT**

(b) (6), (b) (7)(C)

By:

Title:

Date:

2-7-2012

This form should be returned to the Regional Office, together with **ONE (1)** copies of the Notice, dated and signed in the same manner as those posted.

<sup>1</sup> See, *J. Picini Flooring*, 356 NLRB No. 9 (2010).



United States Government

**NATIONAL LABOR RELATIONS BOARD**

Region 22

20 Washington Place, 5<sup>th</sup> Floor

Newark, NJ 07102-3115

Telephone: 973-645-2100

April 9, 2012

(b) (6), (b) (7)(C)

Re: The Ambriola, Co.  
Case 22-CA-061632

Dear (b) (6), (b) (7)(C):

Our records show that Respondent has complied with the terms of the Settlement Agreement and the case is now ready to be closed. Unless you advise us and submit evidence by April 16 2012 that the Settlement Agreement has not been complied with, I will assume that you are satisfied with the compliance by the Respondent and will recommend the case be closed.

Very truly yours,

*Collette Sarro*

Collette Sarro  
Compliance Officer

cc: JUSTIN L. SWIDLER  
SWARTZ AND SWIDLER, LLC  
1878 MARLTON PIKE EAST  
CHERRY HILL, NJ 08003